

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
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February 7, 2014

Howard H. Wines, III, CBO
Prevention Services Director
Bakersfield Fire Dept.
2101 H Street
Bakersfield, CA 93301

RE: Ordinance #4739

Dear Mr. Wines:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on December 23, 2013.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read 'Enrique M. Rodriguez'.

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



www.BakersfieldFire.us
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Douglas R. Greener
■ Fire Chief ■

Deputy Chief Tyler Hartley
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661-326-3655

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December 23, 2013

Mr. James McGowan, Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Certified Mail

RE: City of Bakersfield, Modification to the 2013 California Fire Code

Dear Mr. McGowan:

The following modification to the 2013 California Fire Code, as adopted in the City of Bakersfield by Ordinance No. 4739 (attached), is reasonably necessary because of local climatic, geological, and topographical conditions, as described in the preamble of the attached local ordinance:

Section 15.65.160 of the Bakersfield Municipal Code is added to read as follows:

Fire Area. For the purpose of this code, where the condition of "The fire area exceeds twelve thousand square feet (1115 m²)" appears within Section 903.2 et seq., of this code, it shall be amended to read "The fire area exceeds ten thousand square feet (892 m²)" including, but not limited to B occupancies."

Exception: Group R Occupancies.

The above referenced section of the attached local ordinance is the only substantive local modification to create a more restrictive building standard in adopting the 2013 California Fire Code for the City of Bakersfield.

The other amendments contained therein are strictly administrative and not subject to express findings pursuant to Section 17958.7 of the California Health and Safety Code.

Sincerely,

Howard H. Wines, III, CBO
Professional Geologist No. 7239
Prevention Services Director

Attachment: Ord. 4739

ORDINANCE NO. 4739

**AN ORDINANCE AMENDING CHAPTER 15.65 OF THE
BAKERSFIELD MUNICIPAL CODE ADOPTING THE 2013
EDITION OF THE CALIFORNIA FIRE CODE.**

WHEREAS, the 2013 edition of the California Fire Code regulates and governs the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, provides for the issuance of permits and collection of fees therefor; and

WHEREAS, the City of Bakersfield desires to adopt the California Fire Code (CFC), 2013 edition, with amendments necessary to meet local conditions; and

WHEREAS, the local amendments to the CFC are necessary due to local geologic, climatic and topographical conditions which exist in the City of Bakersfield which include conditions conducive to steep terrain, extremely high temperatures and dry conditions in the summer and extremely poor visibility due to Tule fog conditions in the winter; and

WHEREAS, the City of Bakersfield is situated in the southern San Joaquin Valley which is surrounded by the Sierra Nevada Mountains on the east, the Coastal Range on the west, and the Tehachapi Mountains on the south and is subject to periodic seismic activity from earthquake faults associated with those geologic features; and

WHEREAS, the City of Bakersfield typically exceeds temperatures of 90°F during the summer months of June, July, August, and September and during the winter months typically experiences a high percentage of poor visibility days from zero visibility to 300 feet; and

WHEREAS, the high temperatures, along with dangerously low humidity in the summer, account for the extremely dry conditions related to fire spread and ignitability of fuel and the low visibility in the winter accounts for slower than normal responses and a slower than normal call for additional alarms when needed; and

WHEREAS, the Bakersfield Fire Department has a basic engine company staffing level of three and this is considered the minimal response level for a structure response team based on OSHA regulations pertaining to "2-in, 2-out" rules, an additional time restraint may yield increased

property damage averages with the end result being a faster fire spread and greater fire intensity in the summer and the potential for the same results for fires in the winter with potential slower response times; and

WHEREAS, if the within ordinance is not adopted the City will automatically, by operation of law, be required to abide by the California Fire Code (CFC), without the amendments necessary to govern conditions unique to the City of Bakersfield; and

WHEREAS, the failure to adopt such amendments as set forth in the within ordinance will cause great hardship in regulating fire protection aspects unique to the City of Bakersfield and thereby threaten the preservation of the public peace, health, and safety; and

WHEREAS, the City Council does expressly find and determine that the changes and modifications to the 2013 CFC are reasonably necessary because of local geologic, climatic, and topographic conditions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bakersfield as follows:

SECTION 1.

Chapter 15.65 of the Bakersfield Municipal Code is hereby amended to read as follows:

Chapter 15.65 CALIFORNIA FIRE CODE*

1. Adoption

15.65.010 Adoption of California Fire Code, 2013 Edition, and Appendices -amended

2. Deletions, Additions and Modifications

15.65.020 Section 101.1 Title - amended

15.65.030 Section 102.2.1 Operational authority - added

15.65.040 Section 103 Prevention Services Division -amended

15.65.045 Section 103.1 General - amended

15.65.050 Section 104.10 Fire investigations - amended

15.65.060 Section 104.12 Fire zones — added

15.65.070 Section 104.13 Firearms — added

15.65.080 Section 105.6 Required operational permits —deleted sections

105.6.1, 105.6.3, 105.6.5, 105.6.6, 105.6.7,
105.6.11 105.6.12, 105.6.13, 105.6.15, 105.6.16
105.6.17, 105.6.18, 105.6.19, 105.6.21, 105.6.22,
105.6.23, 105.6.24, 105.6.25, 105.6.27, 105.6.28,
105.6.31, 105.6.32, 105.6.33, 105.6.34, 105.6.35,
105.6.37, 105.6.38, 105.6.39, 105.6.40, 105.6.42,
105.6.44, 105.6.45, and 105.6.46;

added sections 105.6.14.1 and 105.6.29.1;

amended sections 105.6.8, 105.6.10, 105.6.14, 105.6.20, and 105.6.29

15.65.090 Section 105.7.1 Automatic fire-extinguishing systems - amended

15.65.100 Section 105.7.6 Fire alarm and detection systems and related equipment — amended

15.65.110 Section 108.3 Qualifications - amended

15.65.120 Section 109.3.3 Prosecution of violations - amended

15.65.125 Section 109.3.3.1 Administrative hearings - added

15.65.130 Section 109.4 Violation penalties - amended

15.65.140 Section 111.4 Failure to comply - amended

15.65.150 Section 114 Pipeline setbacks - added

15.65.160 Section 115 Local amendments — added

15.65.170 Appendix D, Section D103.2 Grade — amended

15.65.180 Appendix D, Section D103.3 Turning radius — amended

15.65.190 Appendix D, Section D103.5 Fire apparatus access road gates - amended

3. Geographic limits on flammable storage

15.65.200 Section 5806.2 - amended

15.65.210 Section 5704.2.9.6.1 - amended 15.65.220

Section 5706.2.4.4 - amended

15.65.230 Section 6104.2 – amended

* Prior history: Prior code sections 14.01.010, 14.01.015, 14.08.010, 14.08.020, 14.08.040, 14.08.050, 14.12.010, 14.12.020, 14.12.030, 14.12.040, 14.16.020, 14.16.030, 14.20.010, 14.20.020. Ordinances 2610, 2758, 2769, 2786, 2909, 3048, 3232, 3319, 3696, 4107, 4195, 4474, 4636, 4656.

1. Adoption.

15.65.010 Adoption of the California Fire Code, 2013 Edition

Except as hereinafter modified, that certain document, three copies of which are on file in the office of the City Clerk and Ex Officio of the Council of the City of Bakersfield being marked and designated as the *California Fire Code*, 2013 edition, including Appendix Chapter 4, and Appendices B, BB, C, CC, D, E, F, G, H, I, J and K as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Bakersfield, in the State of California, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

2. Deletions, Additions and Modifications.

15.65.020 Section 101.1 Title – Amended.

101.1 Title. These regulations shall be known as the fire code of the City of Bakersfield, herein after referred to as "this code."

15.65.030 Section 102.2.1 Operational authority—Added.

Section 102.2.1 Operational Authority, is added to read as follows:

102.2.1 Operational Authority. The fire code shall be enforced by the fire agency with jurisdictional responsibility for the area as defined in the current memorandum of understanding between the City of Bakersfield and the County of Kern. Such enforcement shall be under the supervision of the chief of the fire department within such jurisdictional responsibility who shall detail or direct members of that agency's fire department in the enforcement of the fire code.

15.65.040 Section 103 Prevention Services Division—Amended.

Section 103 of the Fire Code, Department of Fire Prevention, is amended to read as follows:

Section 103 Prevention Services Division.

15.65.045 Section 103.1 General—Amended.

Section 103.1 of the Fire Code, General, is amended to read as follows:

103.1 General. The prevention services division is established within the jurisdiction under the direction of the fire code official. The function of the division shall be the implementation, administration and enforcement of the provisions of this code as well as the provisions of the California Health and Safety Code and California Code of Regulations related to the Certified Unified Program Agency (CUPA).

15.65.050 Section 104.10 Fire Investigations—Amended.

Section 104.10 of the Fire Code, Fire Investigations, is amended to read as follows:

104.10 Fire Investigations. The arson investigation division shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

15.65.060 Section 104.12 Fire Zones—Added.

Section 104.12 of the Fire Code, Fire Zones, is added to read as follows:

104.12 Fire Zones. Areas of the City of Bakersfield which represent residential and commercial designations, according to the City of Bakersfield planning department zoning map, will be limited in the storage of flammable and combustible liquids as well as explosive and blasting agents. As follows:

- A.** Dispensing of fuel from an approved above ground storage tank shall be limited to two thousand gallons.
- B.** All storage of blasting agents is prohibited in these areas.

15.65.070 Section 104.13 Firearms—Added.

Section 104.13 of the Fire Code, Firearms, is added to read as follows:

104.13 Firearms. Members of the fire department assigned to the arson investigation division and the deputy fire chief assigned as fire marshal are authorized to carry a loaded firearm on their person when acting as peace officers as defined in Section 830.37 of the California Penal Code, upon the written approval of the fire chief.

15.65.080 Section 105.6 Required Operational Permits—Amended—Portions deleted.

105.6 Required Operational Permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.46.

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.1 Aerosol products.**

105.6.2 Amusement buildings. An operational permit is required to operate a special amusement building.

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.3 Aviation facilities.**

105.6.4 Carnivals and fairs. An operational permit is required to conduct a carnival or fair.

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.5 Cellulose nitrate film.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.6 Combustible dust producing operations.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.7 Combustible fibers.**

Section 105.6.8 of the Fire Code, Compressed Gases, is amended to read as follows:

105.6.8 Compressed Gases. An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8.

Exception: Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

TABLE 105.6.8
PERMIT AMOUNTS FOR COMPRESSED GASES

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any Amount
Inert and simple asphyxiant	1,000
Oxidizing (including oxygen)	200
Pyrophoric	Any Amount
Toxic	Any Amount

For SI: One cubic foot = 0.02832 m³.

105.6.9 Covered and open mall buildings. An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

Section 105.6.10 of the Fire Code, Cryogenic Fluids is amended to read as follows:

105.6.10 Cryogenic Fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10 or Chapter 6.95 of the California Health and Safety Code at Normal Temperature and Pressure (NTP).

Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

TABLE 105.6.10
PERMIT AMOUNTS FOR CRYOGENIC
FLUIDS

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (includes oxygen)	10	50
Physical or health hazard not indicated above	Any Amount	Any Amount

For SI: One gallon = 3.785 L

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.11 Cutting and welding.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.12 Dry cleaning plants.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.13 Exhibits and trade shows.**

105.6.14 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 56. **Exception:** Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with California Code of Regulations, Title 19, Division 1, Chapter 10.

Section 105.6.14.1 of the Fire Code, Fireworks, is added to read as follows:

105.6.14.1 Fireworks. An operational permit is required for the sale and use of safe and sane fireworks pursuant to Chapter 8.44 of the Bakersfield Municipal Code.

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.15 Fire hydrants and valves.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.16 Flammable and combustible liquids.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.17 Floor finishing.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.18 Fruit and crop ripening.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.19 Fumigation and insecticidal fogging.**

Section 105.6.20 of the fire code is amended to read as follows:

105.6.20 Hazardous materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20 of this code, or pursuant to Chapter 6.11 of the California Health and Safety Code, or for any amount of hazardous waste.

**TABLE 105.6.20
PERMIT AMOUNTS FOR HAZARDOUS
MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.16
Corrosive materials	
Gases	See Section 105.6.8
Liquids	55 gallons
Solids	500 pounds
Explosive materials	See Section 105.6.14
Flammable materials	
Gases	See Section 105.6.8
Liquids	See Section 105.6.16
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.6.8
Liquids	Any Amount
Solids	Any Amount

TYPE OF MATERIAL	AMOUNT
Oxidizing materials	
Gases	See Section 105.6.8
Liquids	
Class 4	Any Amount
Class 3	1 gallon ^a
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any Amount
Class 3	10 pounds ^b
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
Pyrophoric materials	
Gases	Any Amount
Liquids	Any Amount
Solids	Any Amount
Toxic materials	
Gases	See Section 105.6.8
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons

TYPE OF MATERIAL	AMOUNT
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds
Water-reactive materials	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds
Class 1	500 pounds

For SI: One gallon = 3.785 L, One pound = 0.454 kg.

a. Twenty gallons when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of twenty gallons or less.

b. Two hundred pounds when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of two hundred pounds or less.

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.21 HPM facilities.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.22 High piled storage.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.23 Hot work operations.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.24 Industrial ovens.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.25 Lumberyards and woodworking plants.**

105.6.26 Liquid- or gas-fueled vehicles or equipment in assembly buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.27 LP gas.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.28 Magnesium.**

Section 105.6.29 of the Fire Code, Miscellaneous Combustible Storage, is amended to read as follows:

105.6.29 Miscellaneous Combustible Storage. An operational permit is required to store in any building or upon any premises in excess of two thousand five hundred (2,500) cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

Section 105.6.29.1 of the Fire Code, Oil Wells, is added to read as follows:

105.6.29.1 Oil Wells. An operational permit is required to own, operate, maintain or drill an oil or natural gas well. The application for a permit to drill a well shall be accompanied by a plot plan drawn to scale or with dimensions showing all buildings and improvements within a radius of three hundred feet of the exact location of the proposed wellhead. The permit for any new well shall be issued only after it has been determined by field inspectors or by other means that such location for a well complies with the provisions of this code. Such determinations shall be made within a period of five days.

105.6.30 Open Burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. **Exception:** Recreational fires.

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.31 Open flames and torches.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.32 Open flames and candles.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.33 Organic coatings.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.34 Places of assembly.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.35 Private fire hydrants.**

105.6.36 Pyrotechnic Special Effects Material. An operational permit is required for use and handling of pyrotechnic special effects material.

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.37 Pyroxylin plastics.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.38 Refrigeration equipment.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.39 Repair garages and motor fuel dispensing facilities.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.40 Rooftop heliports.**

105.6.41 Spraying or Dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 24.

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.42 Storage of scrap tires and tire byproducts.**

105.6.43 Temporary Membrane Structures, Tents and Canopies. An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of two hundred square feet (19 m²), or a canopy in excess of four hundred square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Fabric canopies open on all sides which comply with all of the following:
 - 2.1. Individual canopies having a maximum size of seven hundred square feet (65 m²).
 - 2.2. The aggregate area of multiple canopies placed side by side without a fire break clearance of not less than twelve feet (3,658 mm) shall not exceed seven hundred square feet (65 m²) total.
 - 2.3. A minimum clearance of twelve feet (3,658 mm) to structures and other tents shall be provided.

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.44 Tire rebuilding plants.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.45 Waste handling.**

The following section of the fire code is not adopted as part of this chapter and is deleted: **105.6.46 Wood products.**

105.6.47 Additional Permits. In addition to the permits required by Section 105.6, the following permits shall be obtained from the prevention services division prior to engaging in the following activities, operations, practices or functions:

1. Production Facilities. To change use or occupancy, or allow the attendance of a live audience, or for wrap parties.
2. Pyrotechnics and Special Effects. To use pyrotechnic special effects, open flame, use of flammable or combustible liquids and gases, welding, and the parking of motor vehicles in any building or location used for the purpose of motion picture, television and commercial production.
3. Live Audiences. To install seating arrangements for live audiences in approved production facilities, production studios and sound stages. See Chapter 48.

15.65.090 Section 105.7.1 Automatic Fire-extinguishing Systems—Amended.

Section 105.7.1 of the Fire Code, Automatic Fire-extinguishing Systems is amended to read as follows:

105.7.1 Automatic Fire-extinguishing Systems. A construction permit is required for installation of or modification to an automatic fire-extinguishing system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit. In buildings where a fully automatic sprinkler protection system exists, and where said buildings undergo remodeling and/or alterations or additions, the automatic sprinkler system shall be kept in good operable condition and be extended to include additions, area separation walls notwithstanding. In buildings where an automatic sprinkler system does not exist, and the floor area is increased twenty-five percent or more, throughout the life of the building, and the area exceeds ten thousand square feet, before or after the addition, an automatic sprinkler system shall be installed throughout the total building.

15.65.100 Section 105.7.6 Fire Alarm and Detection Systems and Related Equipment—Amended.

Section 105.7.6 of the Fire Code, Fire Alarm and Detection Systems and Related Equipment is amended to read as follows:

105.7.6 Fire Alarm and Detection Systems and Related Equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related equipment. Maintenance performed in accordance with this code is not considered a modification and does not require a permit. The fire code official shall require an approved automatic fire

alarm system be installed in any occupancy with an occupant load of three hundred or more or one hundred or more sprinkler heads as an "other requirement" pursuant to Section 907.2 of this code.

15.65.110 Section 108.3 Qualifications—Amended.

Section 108.3 of the Fire Code, Qualifications is amended to read as follows:

108.3 Qualifications. The board of building and housing appeals for the City shall be designated as the board of appeals referred to in this code.

15.65.120 Section 109.3.3 Prosecution of Violations—Amended.

Section 109.3.3 of the Fire Code, Prosecution of violations is amended to read as follows:

109.2.3 Prosecution of Violations. When the chief finds any buildings, premises, vehicle, storage facility or outdoor area that is in violation of this code, the chief is authorized to issue administrative compliance orders requiring that the violation be corrected and imposing an administrative penalty, in accordance with the following:

1. In establishing a penalty amount and ordering that the violation be corrected pursuant to this section the chief shall take into consideration the nature, circumstances, extent, and gravity of the violation, the violator's past and present efforts to prevent, abate, or clean up conditions posing a threat to the public health or fire safety or the environment, the violator's ability to pay the penalty, and the deterrent effect that the imposition of the penalty would have on both the violator and the regulated community.
2. All administrative penalties collected from actions brought by the chief pursuant to this section shall be deposited into a special account that shall be expended to fund the activities of the prevention services division in enforcing this code.
3. The chief shall consult with the district attorney, county counsel, or city attorney on the development of policies to be followed in exercising the authority delegated pursuant to this section as it relates to the authority of the chief to issue orders.

Exception: This section does not do any of the following:

1. Otherwise affect the authority of the chief to take any other action authorized by any other provision of law, except the chief shall not require a person to pay a penalty pursuant to this section and pursuant to a local ordinance for the same violation.
2. Restrict the power of a city attorney, district attorney, county counsel, or the Attorney General to bring, in the name of the people of California, any criminal proceeding otherwise authorized by law.

3. Prevent the chief from cooperating with or participating in a proceeding specified in paragraph (2).

15.65.125 Section 109.3.3.1 Administrative Hearings—Added.

Section 109.3.3.1 of the Fire Code, Administrative Hearings is added to read as follows:

Section 109.3.3.1 Administrative Hearings. Any person served with an order pursuant to Section 109.3.3 who has been unable to resolve any violation with the prevention services division, may within fifteen days after service of the order, request a hearing pursuant to this section by filing with the chief a notice of defense. The notice shall be filed with the prevention services office that issued the order. A notice of defense shall be deemed filed within the fifteen-day period provided by this section if it is postmarked within that fifteen-day period. If no notice of defense is filed within the time limits provided by this subdivision, the order shall become final.

The hearing decision issued pursuant to this section shall be effective and final upon issuance by the chief. A copy of the decision shall be served by personal service or by certified mail upon the party served with the order, or their representative, if any.

Any provision of an order issued under this section, except the imposition of an administrative penalty, shall take effect upon issuance by the chief if the chief finds that the violation or violations of law associated with that provision may pose an imminent and substantial endangerment to the public health or safety or the environment. A request for a hearing shall not stay the effect of that provision of the order pending a hearing decision. However, if the chief determines that any or all provisions of the order are so related that the public health or safety or the environment can be protected only by immediate compliance with the order as a whole, the order as a whole, except the imposition of an administrative penalty, shall take effect upon issuance by the chief. A request for a hearing shall not stay the effect of the order as a whole pending a hearing decision.

A decision issued pursuant to this section may be reviewed by a court pursuant to Section 11523 of the Government Code. In all proceedings pursuant to this section, the court shall uphold the decision of the chief if the decision is based upon substantial evidence in the record as a whole. The filing of a petition for writ of mandate shall not stay any action required pursuant to Section 109.2.3 or the accrual of any penalties assessed. This subdivision does not prohibit the court from granting any appropriate relief within its jurisdiction.

15.65.130 Section 109.4 Violation Penalties—Amended.

Section 109.4 of the Fire Code, Violation Penalties is amended to read as follows:

109.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand five hundred dollars or by imprisonment not exceeding six months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

15.65.140 Section 111.4 Failure to Comply—Amended.

Section 111.4 of the Fire Code, Failure to Comply is amended to read as follows:

111.4 Failure to Comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than one hundred fifty dollars or more than one thousand five hundred dollars.

15.65.150 Section 114 Pipeline Setbacks—Added.

Section 114 of the Fire Code, Pipeline Setbacks is added to read as follows:

114 Pipeline Setbacks.

114.1 Pipeline setbacks. For purposes of this section "high pressure transmission line" is a natural gas pipeline operating at two hundred and fifty pounds per square inch or greater. A gas main or transmission line is a natural gas pipeline operating at sixty pounds per square inch or less.

114.2 No habitable portion of a structure may be built within fifty feet of a high pressure transmission line with thirty-six inches of cover.

114.3 No structure may be built within forty feet of a hazardous liquid pipeline bearing refined product, with forty-eight inches or more of cover.

114.4 No habitable portion of a structure may be built within thirty feet of a crude oil pipeline operating at twenty percent or greater of its design strength.

15.65.160 Section 115 —Added.

Section 115 of the Fire Code, Local amendments to this Code is added to read as follows:

115 Local Amendments to this Code.

115.1 Fire Area. For the purpose of this code, where the condition of "The fire area exceeds twelve thousand square feet (1115 m²)" appears within Section 903.2 et seq., of this code, it shall be amended to read "The fire area exceeds ten thousand square feet (892 m²) including, but not limited to B occupancies.

Exception: Group R Occupancies.

15.65.170 Appendix D, Section D 103.2 Grade—Amended.

Section D103.2 of the Fire Code, Grade is amended to read as follows:

D103.2 Grade. Fire apparatus roads shall not exceed seven percent in grade.
Exception: Grades steeper than seven percent as approved by the chief.

15.65.180 Appendix D, Section D103.3 Turning Radius—Amended.

Section D103.3 of the Fire Code, Turning radius is amended to read as follows:

D103.3 Turning radius. The minimum turning radius shall be thirty-seven feet.

15.65.190 Appendix D, Section D103.5 Fire Apparatus Access Road Gates—Amended.

Section D103.5 of the Fire Code, Fire Apparatus Access Road Gates is amended to read as follows:

D103.5 Fire Apparatus Access Road Gates. Gates securing the fire apparatus roads shall comply with all of the following criteria:

1. The minimum gate width shall be twenty feet (6,096 mm) and a minimum vertical clearance of thirteen feet six inches is required when the gate is at full open position. Where there is more than one gate and two or more driveways separated by islands, a minimum horizontal clearance of fifteen feet for each driveway and a minimum vertical clearance of thirteen feet six inches is required when gates are at full open position. Horizontal distance shall be measured perpendicular to the direction of travel on the driveway. Vertical distance shall be measured from the highest elevation of the driveway to the lowest overhead obstruction.
2. Gates shall be of the swinging or sliding type.

3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official. All new construction of access gates shall be equipped with an automatic opening device which is activated through the wireless activation system utilized on City of Bakersfield owned vehicles for traffic preemption. Installation and maintenance of the wireless activation system on access gate(s) shall be completed by the gate owner. The gate opening device shall have a disconnect feature for manual operation of the gate when the power fails.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.
8. A minimum driveway length to the gate from the flow line of the public street shall be fifty feet for developments of twenty units or less. For each increment of twenty units thereafter, an additional twenty feet of storage length for waiting vehicles shall be added to the driveway length.
9. Driveway turn radii shall be the same as for fire lanes as set forth in Section D103.3 of this code.

III. Geographic Limits on Flammable Storage

15.65.195 Geographic limits.

The geographic limits referred to in certain sections of the 2013 California Fire Code are established as follows.

15.65.200 Section 5806.2 - Amended

Section 5806.2 of the Fire Code, Geographical Limits on Flammable Cryogenic Fluids Storage is amended to read as follows:

Section 5806.2 (Geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): areas of the City of Bakersfield which represent residential and commercial designations according to the City of Bakersfield planning department zoning map.

15.65.210 Section 5704.2.9.6.1 - Amended

Section 5704.2.9.6.1 (Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): areas of the City

of Bakersfield which represent residential and commercial designations according to the City of Bakersfield planning department zoning map will be limited in the storage of flammable and combustible liquids as follows:

- A. Dispensing of fuel from an approved above ground storage tank shall be limited to two thousand (2,000) gallons tank capacity.

15.65.220 Section 5706.2.4.4 - Amended

Section 5706.2.4.4 (Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): areas of the City of Bakersfield which represent residential and commercial designations according to the City of Bakersfield planning department zoning map will be limited in the storage of flammable and combustible liquids as follows:

- A. Dispensing of fuel from an approved above ground storage tank shall be limited to two thousand (2,000) gallons tank capacity.

15.65.230 Section 6104.2- Amended

Section 6104.2 (Geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): areas of the City of Bakersfield which represent residential and commercial designations according to the City of Bakersfield planning department zoning map will be limited in the storage of liquefied petroleum gases.

SECTION 2.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Bakersfield hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3.

This Ordinance shall be posted in accordance with the provisions of the Bakersfield Municipal Code and shall become effective thirty (30) days from and after the date of its passage.

-oo0oo-

I **HEREBY CERTIFY** that the foregoing Ordinance was passed and adopted by the Council of the City of Bakersfield at a regular meeting thereof held on NOV 06 2013, by the following vote:

AYES
NOES:
ABSTAIN:
ABSENT

COUNCILMEMBER RIVERA, MAXWELL, ☒
COUNCILMEMBER none
COUNCILMEMBER none
COUNCILMEMBER WELLS

☒ SMITH, ☒ HANSON, ☒ SULLIVAN, ☒ JOHNSON

Roberta Gafford
ROBERTA GAFFORD, CMC
CITY CLERK and EX OFFICIO Clerk of the
Council of the City of Bakersfield

APPROVED: NOV 06 2013

By: [Signature]

HARVEY L. HALL, Mayor
CITY OF BAKERSFIELD

APPROVED AS TO CONTENT:
FIRE DEPARTMENT

By: [Signature]

DOUGLAS R. GREENER
Fire Chief

APPROVED AS TO FORM:
VIRGINIA GENNARO
City Attorney

By: [Signature]

JOSHUA RUDNICK
Deputy City Attorney

JR:dll

STATE OF CALIFORNIA) ss.
County of Kern)

That she is the duly appointed, acting and qualified City Clerk of the City of Bakersfield; and that on the 14th day of November, 2013 she posted on the Bulletin Board at City Hall, a full, true and correct copy of the following: Ordinance No. 4739, passed by the Bakersfield City Council at a meeting held on the 6th day of November, 2013 and entitled:

**AN ORDINANCE AMENDING CHAPTER 15.65 OF THE BAKERSFIELD
MUNICIPAL CODE ADOPTING THE 2013 EDITION OF THE
CALIFORNIA FIRE CODE.**

ROBERTA GAFFORD
City Clerk and Ex Officio of the
Council of the City of Bakersfield

By: Jennifer Bert
DEPUTY City Clerk